

EXHIBIT 13

From: John A. Morris
Sent: Sunday, April 25, 2021 5:45 AM
To: 'Lauren Drawhorn'; Zachery Annable
Cc: Gregory V. Demo; Hayley R. Winograd; Jeff Pomerantz
Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

Lauren,

The Debtor believes these purported defenses are specious and will not consent to the amendment of the pleadings for this purpose.

Regards,

John

John A. Morris
Pachulski Stang Ziehl & Jones LLP
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From: Lauren Drawhorn [<mailto:lauren.drawhorn@wickphillips.com>]
Sent: Thursday, April 22, 2021 5:03 PM
To: John A. Morris; Zachery Annable
Cc: Gregory V. Demo; Hayley R. Winograd; Jeff Pomerantz
Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

John,

We intend to add a condition subsequent defense and that the notes are ambiguous. We determined these additional defenses are applicable through our continued investigation in connection with our upcoming written discovery.

Lauren

Lauren K. Drawhorn
Partner | [Wick Phillips](#)
Direct: 817.984.7423
Email: lauren.drawhorn@wickphillips.com

From: John A. Morris
Sent: Wednesday, April 21, 2021 6:35 PM
To: Lauren Drawhorn ; Zachery Annable
Cc: Gregory V. Demo ; Hayley R. Winograd ; Jeff Pomerantz
Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

Lauren,

What are the defenses you propose to add and why were they not previously asserted?

Regards,

John

John A. Morris

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From: Lauren Drawhorn [<mailto:lauren.drawhorn@wickphillips.com>]
Sent: Wednesday, April 21, 2021 5:43 PM
To: Zachery Annable
Cc: Gregory V. Demo; Hayley R. Winograd; John A. Morris
Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

Zachery,

We would like to amend our answers in the HCMS and HCRE adversaries to add two additional defenses. Will you consent to allow us to file amended answers under FRCP 15(a)(2)/FRBP 7015?

Lauren

Lauren K. Drawhorn

Partner | [Wick Phillips](#)
Direct: 817.984.7423
Email: lauren.drawhorn@wickphillips.com

From: Zachery Annable <zannable@haywardfirm.com>
Sent: Thursday, March 11, 2021 12:15 PM
To: Hayley R. Winograd <hwinograd@pszjlaw.com>; Lauren Drawhorn <lauren.drawhorn@wickphillips.com>; John A. Morris <jmorris@pszjlaw.com>

Cc: Gregory V. Demo <GDemo@pszjlaw.com>; Zachery Annable <zannable@haywardfirm.com>

Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

Lauren—

I'm following up on Hayley's email (below). Have you had a chance to review the minor revisions to the stipulations and the proposed orders? Please also note that I'll need to add the hearing time for trial docket call (1:30 p.m. CT) to the stipulations and orders. Thank you.

Zachery Z. Annable

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From: Hayley R. Winograd <hwinograd@pszjlaw.com>

Sent: Tuesday, March 9, 2021 4:00 PM

To: 'Lauren Drawhorn' <lauren.drawhorn@wickphillips.com>; John A. Morris <jmorris@pszjlaw.com>

Cc: Gregory V. Demo <GDemo@pszjlaw.com>; Zachery Annable <zannable@haywardfirm.com>

Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

Lauren, attached are some additional revisions to the stipulations, along with proposed orders approving the stipulations. If these look good to you, we will finalize and file.

Regards,
Hayley

Hayley R. Winograd

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hwinograd@pszjlaw.com



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From: Lauren Drawhorn [<mailto:lauren.drawhorn@wickphillips.com>]
Sent: Tuesday, March 09, 2021 12:59 PM
To: Hayley R. Winograd; John A. Morris
Cc: Gregory V. Demo; zannable@haywardfirm.com
Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

Sure. As previously drafted, expert discovery in the HCMS adversary closed on August 2 but the deadline to file dispositive motions was also August 2nd. Which makes timing tight if either party is using expert discovery to support their dispositive motion. And while the deadline to file dispositive motions was August 2nd, pretrial pleadings were due starting August 30 (exhibit and witness lists, etc.) with docket call on September 13. However, that timing makes it difficult to have the dispositive motion heard before pretrial pleadings are due (which may change depending on the Court's ruling on any dispositive motion). That timing also doesn't work with the local rule that dispositive motions cannot be filed within 45 days of the docket call. Similar issues with HCRE schedule.

We would like at least 2 weeks between the close of expert discovery and the dispositive motion deadline, and then at least 30 days between the dispositive motion deadline and any pretrial pleadings.

I went ahead and made my suggested changes on the attached in tracked changes. These deadlines should comply with LBR 7056-1(b)(1), but feel free to double-check my counting. I used the docket call dates on Judge Jernigan's calendar – I only saw one trial docket call each month.

Let me know if this works or if you want to discuss further. I'm available for a call as well if that's easier.

Lauren

Lauren K. Drawhorn
Partner | [Wick Phillips](http://WickPhillips.com)
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From: Hayley R. Winograd <hwinograd@pszjlaw.com>
Sent: Tuesday, March 9, 2021 11:16 AM
To: Lauren Drawhorn <lauren.drawhorn@wickphillips.com>; John A. Morris <jmorris@pszjlaw.com>
Cc: Gregory V. Demo <GDemo@pszjlaw.com>; zannable@haywardfirm.com
Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

Hi Lauren,

We are happy to discuss adjustments, but we are not sure exactly what you mean below. Please specify.

Regards,
Hayley

Hayley R. Winograd

Pachulski Stang Ziehl & Jones LLP

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hwinograd@pszjlaw.com



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From: Lauren Drawhorn [<mailto:lauren.drawhorn@wickphillips.com>]
Sent: Monday, March 08, 2021 6:11 PM
To: John A. Morris
Cc: Gregory V. Demo; Hayley R. Winograd; zannable@haywardfirm.com
Subject: RE: Highland: Proposed Scheduling Orders for HCMS and HCRE

John,

Can we have the dispositive motion deadline at least 2 weeks after the close of expert discovery and then at least 30 days from the dispositive motion deadline before trial deadlines begin?

Lauren

Lauren K. Drawhorn

Partner | [Wick Phillips](#)

Direct: 817.984.7423

Email: lauren.drawhorn@wickphillips.com

From: John A. Morris <jmorris@pszjlaw.com>
Sent: Friday, March 5, 2021 3:11 PM
To: Lauren Drawhorn <lauren.drawhorn@wickphillips.com>
Cc: Gregory V. Demo <GDemo@pszjlaw.com>; Hayley R. Winograd <hwinograd@pszjlaw.com>; zannable@haywardfirm.com
Subject: Highland: Proposed Scheduling Orders for HCMS and HCRE

Lauren,

I believe we have until Monday, March 8, to agree to a scheduling order or the Court's order automatically kicks in.

Attached are two proposed scheduling orders, one each for HCMS and HCRE.

There's no magic to them; we staggered them three weeks apart and tried to provide reasonable time periods.

Please let us know if you have any questions or comments as we'd like to file these by Monday if we're able to reach an agreement.

Regards,

John

John A. Morris

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